

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

FELTON LOVE, JR.,

Plaintiff,

v.

RICK M. HILL, et al.,

Defendant.

No. 2:22-cv-01233-TLN-AC

Plaintiff, a state prisoner proceeding through counsel, has filed this civil rights action seeking relief under 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On January 4, 2023, the magistrate judge filed findings and recommendations herein which recommended dismissal of the first amended complaint without leave to amend. (ECF No. 17.) The findings and recommendations were served on Plaintiff and contained notice that any objections to the findings and recommendations were to be filed within twenty-one days. (*Id.* at 7.) Plaintiff has filed objections to the findings and recommendations which are accompanied by a proposed second amended complaint. (ECF No. 18.)

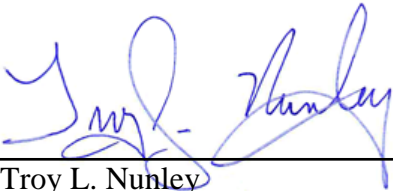
In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule 304, this Court has conducted a *de novo* review of this case. Having carefully reviewed the entire file, the Court finds the findings and recommendations to be supported by the record and by proper

analysis. Furthermore, Plaintiff's proposed second amended complaint fails to state a claim for relief for the reasons already articulated by the magistrate judge in screening the original and first amended complaints. (*See* ECF Nos. 12, 17.)

Accordingly, IT IS HEREBY ORDERED that:

1. Plaintiff's Request to Amend the Complaint (ECF No. 18) is DENIED;
2. The Findings and Recommendations filed January 4, 2023 (ECF No. 17), are adopted in full;
3. The First Amended Complaint is DISMISSED without leave to amend for failure to state a claim; and
4. The Clerk of the Court is directed to close this case.

DATED: February 7, 2023



Troy L. Nunley
United States District Judge